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**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA**

DAVID WAYNE SCONCE,

Plaintiff (s),

v.

JASON MARKS, et al.,

Defendant(s).

Case No. 9:15-CV-00060-KJD

ORDER

Presently before the Court for consideration is the Report and Recommendation (#9) of Magistrate Judge Nancy J. Koppe entered on April 6, 2016 recommending that Plaintiff's case be dismissed without prejudice. No objection was filed.

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation (#9) of the Magistrate Judge entered April 6, 2016, should be **ADOPTED** and **AFFIRMED**.


On March 10, 2015, the Magistrate found Plaintiff's application to proceed *in forma pauperis* to be incomplete and ordered Plaintiff to file a completed application or pay the filing fee by March 24, 2016 (#8). The Magistrate warned Plaintiff that "[f]ailure to comply with this Order will result in a recommendation to the District Judge that this case be dismissed." *Id.* To date, Plaintiff has not filed a further application to proceed *in forma pauperis* nor paid the filing fee. The Court has also not received a motion to extend that deadline.

1 The Court agrees with the Magistrate's recommendation that this case be dismissed without
2 prejudice.

3 Accordingly, **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and
4 Recommendation (#9) entered April 6, 2016, are **ADOPTED** and **AFFIRMED**;

5 IT IS FURTHER ORDERED that Plaintiff's case is **DISMISSED** without prejudice.
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8 DATED this 29th day of September 2016
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14 Kent J. Dawson
15 United States District Judge
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